

FILED  
U.S. DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

2005 SEP 28 P 3:58

CIVIL ACTION No. 05 CV 11866 RCL

**ROSA SANABRIA,**  
**Plaintiff,**

**vs.**

**LAHEY CLINIC MEDICAL CENTER,**  
**SODEXHO, INC. AND MICHAEL**  
**TALBERT**  
**Defendants.**

**MOTION TO REMAND ACTION TO STATE COURT**

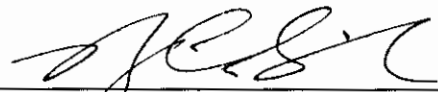
Now comes Plaintiff Rosa Sanabria to hereby move that this matter be remanded to state court, specifically the Middlesex County Superior Court, for further adjudication. In support of her motion, the Plaintiff states the following:

1. On or about August 9, 2005, Plaintiff filed its action herein with the Middlesex County Superior Court.
2. On or about September 14, 2005, the Defendants removed this action to federal court citing the existence of federal question jurisdiction, specifically a Title VII claim.
3. Plaintiff has filed, simultaneously with this Motion to Remand, a Notice of Dismissal dismissing with prejudice Count I, the Title VII claim, of her Verified Complaint.
4. The Defendants in this matter have indicated that they will not be opposing Plaintiff's Motion for Remand.

5. Plaintiff has dismissed with prejudice her only count within her Verified Complaint concerning a federal question and now seeks to pursue state law remedies under M.G.L. 151B in the state law forum where she filed this action, the Middlesex County Superior Court.

WHEREFORE, Plaintiff moves this honorable Court for an order remanding this matter back to Middlesex County Superior Court because no federal question exists in this case.

Respectfully submitted,  
**ROSA SANABRIA**  
By her attorney,



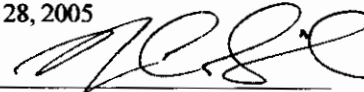
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Ryan C. Siden (BBO No. 646138)  
Siden & Associates, P.C.  
151 Tremont Street, Ste 19-S  
Boston, MA 02111  
(617) 549-8033

Dated: September 28, 2005

**CERTIFICATE OF SERVICE**

I, Ryan C. Siden, Esq., hereby certify that the above document was served on Defendants' counsel, Kenneth J. Martin, Esq. and Keith M. McLean, Esq. of Cooley Manion Jones LLP, 21 Custom House Street, Boston, MA 02110 via U.S. First Class mail on September 28, 2005



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**U.S. DISTRICT COURT  
DISTRICT OF MASS.**

**CERTIFICATION UNDER LR 7.1(a)2**

I, Ryan C. Siden, Esq., hereby certify that I have conferred with opposing counsel in this matter and have attempted in good faith to resolve or narrow the issue regarding Plaintiff's Motion to Remand.



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**U.S. DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

2005 SEP 28 P 3:38 CIVIL ACTION No. 05 cv 11866 RCL

**ROSA SANABRIA,**  
**Plaintiff,**

U.S. DISTRICT COURT  
DISTRICT OF MASS.

vs.

**LAHEY CLINIC MEDICAL CENTER,  
SODEXHO, INC. AND MICHAEL  
TALBERT**  
**Defendants.**

**NOTICE OF DISMISSAL OF COUNT I OF PLAINTIFF'S VERIFIED  
COMPLAINT, THE TITLE VII CLAIM**

Now comes Plaintiff Rosa Sanabria, pursuant to Fed. R. Civ. P. 41(a)(1)(i), and hereby dismisses with prejudice Count I of her Verified Complaint, the Title VII claim.

Respectfully submitted,  
**ROSA SANABRIA**  
By her attorney,

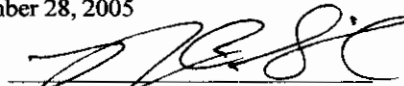


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